

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at CHATTANOOGA

JAMES A. GOUGER,)	
)	
Plaintiff,)	
)	No. 1:05-CV-185
v.)	
)	Judge Curtis L. Collier
JO ANNE B. BARNHART, Commissioner)	
of Social Security,)	
)	
Defendant.)	

JUDGMENT ORDER

On June 23, 2006, in accordance with Rule 72(b) of the Federal Rules of Civil Procedure, Magistrate Judge William B. Mitchell Carter filed a report and recommendation recommending the Commissioner's decision to deny benefits be affirmed (Court File No. 17). Neither party filed objections within the given 10 days.

After reviewing the record, the Court agrees with the magistrate judge's report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's findings of fact, conclusions of law, and recommendations pursuant to 28 U.S.C. § 636(b), and Rule 72(b). The Court hereby **ORDERS**:

- (1) Plaintiff's motion for judgment on the pleadings (Court File No. 9) is **DENIED**;
- (2) Defendant's motion for summary judgment (Court File No. 15) is **GRANTED**; and
- (3) The Commissioner's decision denying benefits to Plaintiff is **AFFIRMED**.

The Court further **ORDERS** this action is **DISMISSED WITH PREJUDICE**.

SO ORDERED.

ENTER:

/s/
CURTIS L. COLLIER
CHIEF UNITED STATES DISTRICT JUDGE

ENTERED AS A JUDGMENT
s/ Patricia L. McNutt
CLERK OF COURT